

Application No.: 09/869,777
Response dated February 17, 2004
Reply to Office Action mailed October 16, 2003

REMARKS/ARGUMENTS

The final Office Action mailed October 16, 2003 has been carefully reviewed and these remarks are responsive thereto. It is respectfully submitted that the claims presented above are in condition for allowance. The claims presented in this Amendment merely cancels claims, adopts examiner suggestions, removes issues for appeal, or in some other way requires only a cursory review by the examiner. Thus, it is respectfully requested that the Amendment be entered and that a Notice of Allowance is issued by the Patent Office.

In the final Office Action mailed October 16, 2003, claims 1, 2, 4-6, 8, 9, 24-27, 39, 40, 43-45 and 48 were rejected under 35 U.S.C. 103(a) as being unpatentable over Marcuccio (W/O 95/31202) for the reasons set forth in the office action mailed March 18, 2003.

In the final Office Action mailed October 16, 2003, claims 1, 2, 4-6, 8-14, 17, 18, 21, 24-29 and 39-48 were rejected under 35 U.S.C. 103(a) as being unpatentable over Marcuccio (W/O 95/31202), in view of Alvarez (U.S. Patent No. 4,741,900) for the reasons set forth in the office action mailed March 18, 2003.

In the final Office Action mailed October 16, 2003, claims 1-6, 8-14, 17, 18, 21, 24-48 were rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. Specifically, the final Office Action stated that these claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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In the final Office Action, the Examiner stated that claims 3 and 30-38 are free of the art of record, and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to overcome the rejections under 35 USC 112.

Rejection under 35 U.S.C. §103(a)

Claim 3 has been rewritten in independent form to include the pertinent limitations of the base claim 1 (now canceled). Thus, it is respectfully submitted that the rejection under 35 U.S.C. 103(a) is rendered moot by the present amendment to claim 3 and the cancellation of claims 1-2, 4-6, 8-14, 17, 18, 21, 24-29, and 39-48.

Rejection under 35 U.S.C. §112, first paragraph

In the final Office Action, mailed October 16, 2003, claims 1-6, 8-14, 17, 18, 21, and 24-48 were rejected under 35, U.S.C., first paragraph, as failing to comply with the written description requirement. It is respectfully submitted that the now pending claims are supported by the specification as follows:

Amended claim 3 – page 1, line 26 through page 2, line 6 and page 3, lines 1-5;

Amended claim 30 – page 6, lines 12-14;

Previously presented claims 31-34, 36-38, and new claims 51-55, 59-61 and 63 – page 4, lines 34-40, page 9, lines 14-40, Example 2;

Amended claim 35 and new claim 58 – page 4, lines 31-40, page 5, lines 11-23;

New claims 49, 67 and 68 – page 2, lines 7-10;

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New claim 50 – page 2, line 3; page 6, line 14;

New claim 51 – page 4, lines 31-33;

New claims 56 and 64 – page 5, lines 1-5;

New claims 57 and 65 – page 5, lines 6-10;

New claims 62, 66, 72 and 73 – page 6, lines 1-11;

New claims 69 and 70 – page 5, lines 24-29;

New claim 71 - page 2, lines 7-10, Example 4;

New claims 74 and 75 – page 5, lines 1-5; and

New claims 76 and 77 – page 5, lines 30-33.

CONCLUSION

In view of the foregoing, Applicants respectfully submit that the pending claims are in condition for allowance and request notification to that effect. The Examiner is invited to contact the undersigned should it be deemed necessary to facilitate prosecution of the application.

Respectfully submitted,

Date: February 17, 2004

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